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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-third session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 August 1991, at 10 a.m.

Chairman: Mr. JOINET

later: Mrs. BAUTISTA

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The meeting was called to order at 11.05 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN said that, following informal consultations among members and the officers, it had been decided that the Sub-Commission should be asked whether it wished to discuss the current situation in the Soviet Union and, if so, under what agenda item. It seemed to him that, if the Sub-Commission decided to discuss the matter, the correct agenda item would be item 10 (b).

2. The Sub-Commission decided that it would discuss the situation in the Soviet Union under agenda item 10 (b).

PROTECTION OF MINORITIES (agenda item 18) (continued) (E/CN.4/Sub.2/1991/43 and 53 and 53 Corr.1; E/CN.4/Sub.2/1990/46)

3. Ms. DILLER (International Human Rights Law Group) welcomed the initiatives taken by the Sub-Commission to seek peaceful and constructive solutions to problems of minorities through the use of systematic empirical evidence of national experience. In particular, she welcomed the inclusion of religious minorities in the scope of Mr. Eide's final study.

4. Her organization would like to draw attention to several mechanisms critical to the effective application of the guiding principles contained in Mr. Eide's preliminary study (E/CN.4/Sub.2/1991/43). In that connection Guidelines 1 and 2 were of particular concern.

5. Article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights provided to every citizen the right to participation in the conduct of public affairs, the right to vote and to be elected, and access to public service. Thus, at the outset, the access of minorities to the rights of citizenship should be explored both as a matter of law and of practice. In some cases, legal criteria for eligibility to vote and to run for public elected positions contained official requirements which discriminated against minorities either directly or in a de facto manner; in other cases, laws and regulations on political party organization prohibited the formation of political parties with minority-based interests. It would seem that the authorities concerned feared that such parties would have as their primary goals the forcible acquisition of State power or the incitement of ethnic violence. Such restrictive policies appeared however to be counter-productive to accommodating different groups in society and minimizing the risk of destabilization. National experience might uncover more constructive approaches, including the legalization of parties based on ethnic, racial or religious grounds so long as their membership was open to all sectors of the population.

6. Second, the role of the judiciary in protecting and promoting the rights of minorities merited special consideration. An independent judiciary was essential to a properly constituted system for the preservation of the rule of law. Likewise, only an independent judiciary could administer domestic recourse procedures with the speed and impartiality necessary to provide effective early action in response to minority assertions of systematic discrimination. Only such a judiciary could effectively check the exercise of

executive and legislative power where necessary to protect individuals and, in particular, minorities from government abuses. It would be useful to focus on national experiences in which the judiciary had addressed such problems as discrimination in government employment, including the military and in the government-controlled media. Issues involving minorities and the media included government restrictions on language programming and minority access to the media as well as majority bias in the official broadcasting of incidents involving ethnic tension.

7. Third, the manner in which Governments investigated reports of discrimination against minorities should be studied. In some cases, perpetrators of violence against minority groups escaped retribution because law-enforcement personnel and other government officials lacked the political will to examine and act upon those allegations. Indeed, in some cases, the Government itself was responsible for acts infringing the rights of minority populations.

8. In either situation, the rights of minority victims to prompt investigation and legal redress could be advanced by an independent authority or ombudsman which would investigate citizens' reports of violations of minority groups' rights, issue findings and initiate legal proceedings as appropriate.

9. Accordingly, her group requested the Sub-Commission: to encourage all Governments and interested non-governmental organizations to respond promptly to the questionnaire, indicating both the successes and obstacles encountered in managing minority conflicts; to request information from minority communities and to report their findings to the Sub-Commission; and to assign as priorities in its ongoing study the analysis of the manner of participation of minorities in the political process and the role of an independent judiciary and independent investigatory authorities in protecting minority rights.

10. Mr. GHEORGHE (Romani International Union) said that Roma and Sinti people were historically and culturally related to India. They formed large minorities in some central and eastern European countries (in some cases between 5 and 10 per cent of the population) but they were not a majority in a "mother country". Roma and Sinti were not confined to a specific territory; they did not have nor claim a State of their own. There was, accordingly, no State which might consider the fate of the Roma minority as being of concern. They did not conform to a standard definition or to the situation of historic minorities in central and eastern Europe. That factor had facilitated the marginalization, discrimination and persecution of the Roma.

11. Roma and Sinti were entitled to legal recognition as distinct ethnic minorities in the States where they were citizens and also as a transnational minority within the emerging supranational political entities such as the European Community and the Council of Europe.

12. He drew attention to the increasing number of cases of hostility, violence and assaults on Roma people and communities in various parts of those central and eastern European countries which had recently emerged from communism. His organization had prepared a compilation of cases of violence

and pogroms against Roma people and communities as reported by various Roma associations, human rights organizations and the media. He hoped that the Special Rapporteur would find that modest contribution of some use in his analytical efforts to identify patterns of conflict which required to be solved.

13. His organization could not forget the tragic experience of racial persecution, deportation and extermination of about half a million Roma by the Nazis. It was therefore particularly concerned when Roma communities and quarters currently became targets of carefully prepared assaults sometimes attended by local policemen, teachers and priests; when their houses were ransacked and burnt down; when Roma were killed and their murderers left unidentified and unpunished; when whole families and groups were denied the right to legal residence and properties and were obliged to wander in search of a shelter. His organization had noticed with deep concern the reappearance in some eastern European countries of publications and press articles attacking minorities in general, and Roma in particular, using language similar to that used by the racist movements of the 1930s.

14. Romani International Union therefore considered the effort of Mr. Eide to identify the symptoms of emerging ethnic conflict to be of particular importance as an early warning signal. The potential for large-scale racial violence against Roma people in situations of instability in some eastern European countries was serious.

15. He suggested that the Sub-Commission should call on Governments to recognize the problems and the need for positive measures. Legal protection against incitement to racial, ethnic or religious hatred must be guaranteed. The drafting of new constitutions in some eastern European countries offered a chance to improve existing legislation in that field.

16. Romani International Union recognized and welcomed the constructive steps taken by some Governments and by intergovernmental organizations in promoting dialogue with the Roma associations. As a follow-up to those consultations, Romani International Union was currently cooperating with the Centre on Gypsy Studies in Paris and the Institute of Sociological Research of the Romanian Academy, in Bucharest, on the proposal for a research and development project on European Roma, to be submitted for the attention and sponsorship of the European Community and the Council of Europe.

17. In Hungary, the Governmental Office for National and Ethnic Minorities had convinced the prosecutor to charge those arrested for assaults on Roma communities with a race-based hate crime, instead of mere "fighting", as had been the case under the previous regime. In Romania, a governmental commission had been set up to investigate various social conflicts and tensions, including the question of the Roma people. Romani International Union appreciated the fact that a high-level ministerial team had started to collect the facts concerning such violence and had expressed a commitment to condemn and to punish those responsible for arson and the destruction of Roma houses and properties. The associations of Roma in Romania had also decided to organize an alternative, non-governmental investigation of the social context of violence against Roma communities, with the assistance of the Romanian Human Rights Association. He drew the attention of the

Special Rapporteur to the activities of those governmental and non-governmental bodies in Romania, which were an interesting attempt to explore the causes of the social conflicts in which religious and ethnic groups were involved and to implement solutions for the prevention of such conflicts. Some of the ideas and guidelines advanced by Mr. Eide could be of great use for the future activity and orientation of the Romanian commissions.

18. The need for bilateral or multilateral international cooperation for the improvement of the conditions of life of Roma people was becoming urgent in the face of the implications of the increasing wave of Roma migrants and refugees from eastern European countries to the West. Additional tensions had been created by programmes announced in Germany and other Western countries to return those persons to their countries of origin. His organization called for a careful, case-by-case examination of the situation of those concerned by such measures and for appropriate solutions within the existing legal, humanitarian and human rights provisions pertaining to refugees. Account must also be taken of the special situation of Roma people resulting from their long history of persecution, including expulsions, deportations, forced settlements and restrictions on their freedom of movement.

19. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) welcomed Mr. Eide's positive attitude in focusing not only on denouncing violations of minority rights but more particularly on finding new peaceful and constructive solutions for such situations.

20. A democratic system must display respect for minority rights in order to establish a balance permitting all social groups to contribute to social development. Most States currently were not uniform in character but contained several coexisting cultures and ethnic groups which were increasingly emphasizing their separateness. The resulting problems were difficult to resolve and as a consequence a number of States feared the disappearance of their national identity.

21. Diversity was the main source of national wealth and it was unfair to regard it only as a cause of conflict and division. When a State or ideology tried to inculcate in its citizens a sense of national identity which had no room for diversity, it was in fact sowing the seeds of conflict by implying that any divergence was suspect and dangerous. Uniformity as practised by such States led to cultural and even economic impoverishment as well as to lack of interest in public matters.

22. On the other hand, the awakening of ethnic, cultural and religious groups was a sign of a progressive democracy which called for increased responsibility on the part of the individual and of social groups. Diversity should be integrated into a common purpose which must respect the rights of minorities as well as those of the national community.

23. In that connection the role of education was decisive and his organization welcomed the inclusion of that issue in Mr. Eide's questionnaire. The small number of replies received indicated that there was still a long way to go. Nevertheless, action in the field of education was the most important of the positive measures called for under guideline 4 for the protection of minorities, as Mrs. Daes had pointed out. In the context of

minorities, it seemed to his organization that the goal must be genuine popular participation in the educational field and that such participation would require the support of the public authorities. Many groups, including parent-teacher associations, foundations, cooperatives and religious institutions were prepared to take up their responsibilities in that field. States should appeal for their assistance pursuant to the recommendations of the Jomtien Conference which had proposed the establishment of new educational partnerships.

24. Only a diversified education could be a true source of integration. In the words of Commenius, the foundations of a State whose security rested on the ignorance and servitude of its citizens, were fragile. His organization considered that a future declaration on the rights of minorities should set forth explicitly the right to freedom of education and choice of school as a complement to the 1960 UNESCO Convention against discrimination in the field of education, in which States had undertaken to assist minority groups to establish educational centres outside the public system.

25. Mr. PREJEAN (International Indian Treaty Council) said that indigenous people in many parts of the world constituted a minority in number yet were set apart because they were the descendants of the original inhabitants of an area over which they had inherent sovereignty because they had occupied it from time immemorial.

26. The indigenous Kanaka Maoli inhabitants of Hawaii had been the victims of population transfers, the instruments of colonialism that undermined the integrity of aboriginal communities and disenfranchised them.

27. Public policy developed by late arrivers, allegedly to serve the welfare of the whole community, was usually based on the exploitation of the land and resources of the original inhabitants. Population transfers undermined the cohesion of communities and prevented the self-determination of indigenous peoples. Under participatory democracy, universal suffrage was often invalidated by the flood of outsiders sent in by colonial rulers in control of immigration policies.

28. The principles of self-determination enshrined in United Nations instruments should be re-examined so as to ensure that double standards of justice did not strip indigenous nations of their culture, resources and rights to self-government.

29. Since the armed invasion of Hawaii in 1893 inspired by the United States, illegal, underhand and immoral acts had been committed against the Kaneka Maoli people in order to seize power on the basis of perpetual treaties of peace and friendship. As a result, the Kaneka Maoli had been relegated to the bottom of the social and economic heap. Many Kanaka Maoli aspired to regain true self-determination and not remain subjugated to the intruder Government of the United States.

30. He suggested that a special rapporteur should be assigned to investigate the continuing abuse of human rights in the over-militarized island of Hawaii. The Kanaka Maoli people, who had never consented to the takeover of Hawaii, would never relinquish their right to self-determination.

31. Mr. GONDOR (Observer for Hungary) said that adequate solutions to minority problems strengthened international security and cooperation, whereas left unsolved those problems could result in serious tensions and conflicts, as recently occurred in central Europe.

32. The protection and promotion of human rights was given high priority in Hungary's domestic legislation and practice and was reflected in its commitment to international cooperation. Special attention was given to national minorities, concerning which a number of principles were observed.

33. National minorities were considered as important and integral elements of society. They were not considered as embarrassingly different and persecuted; their variety and diversity enriched Hungarian society. As a minimum requirement, persons belonging to national minorities enjoyed all basic human rights without discrimination. However, Hungary believed that minorities as organically established communities should also have special additional rights in order to maintain and develop their national identity. The de facto disadvantages of minorities must be offset by discrimination of a positive character in the form of special measures and policies of affirmative action.

34. That was especially true in the case of the so-called settled minorities which had become minorities as a consequence of historical developments and in some cases represented an ethnic group of a more ancient past than that of the majority. There were a number of such examples in eastern and central Europe. That was why the Government of Hungary had repeatedly declared its interest in and responsibility as to the fate of the 5 million Hungarians living abroad, most of them as minorities. In line with that concept, Hungary was striving for practical implementation of a modern minority policy. The fundamental rights of national minorities were set out in the Constitution. In 1991, Parliament would discuss a comprehensive bill on minority rights. Establishing adequate legal standards was, however, only the first step: practical implementation of the minority policy also required financial resources. Depending on economic possibilities, the Government intended to establish genuine conditions for maintaining and developing the identity of national minorities, including education in the mother tongue at all levels, cultural activities, the possibility of self-expression and self-organization, and unimpeded communication with related nations and national minorities abroad.

35. Numerous national and ethnic minorities lived in Hungary, representing a relatively small proportion of the population and scattered around the country, mostly in traditional rural communities.

36. His Government was deeply committed to the full implementation of all universal, regional and bilateral undertakings relating to national minorities. However, Hungary's record was far from perfect. The new democratic Hungary had adopted special measures which went beyond established international standards. For instance, in 1990 the Government had adopted regulations aimed at encouraging minority candidates for office in local self-governing bodies. Since a good education for minorities in their native tongue was much more expensive than schooling for the majority population,

extra funds had been allocated from the central budget for minority schools; however, the Government did not interfere with the activities of those institutions in any way.

37. An institutional framework for consultation with the national minorities had been created with a view, inter alia, to involving them in the preparatory legislative work of drafting a bill on national minorities, which it was hoped would have the full backing not only of major political forces but the national minorities themselves. National minorities would be given an adequate framework for consultations with the Government on the practical implementation of the legislation. National minorities would be represented by special self-governing bodies elected by the minorities themselves. In Hungary, all minorities without distinction, including the Roma people, benefited from those safeguards and measures.

38. His Government was convinced that human rights, including minority rights, were not the exclusive internal affair of States. It was therefore in favour of the conclusion of international conventions to protect national minorities and take account of their special interests.

39. Hungary had a vested interest in seeing solutions to minority problems sought and implemented in countries where Hungarian national minorities lived. It reiterated its readiness to cooperate with all its neighbours in helping to improve the situation of national minorities, both in Hungary and abroad.

40. Hungary tried to settle minority problems with neighbouring countries bilaterally in the first place. In that connection he referred to the recent common declaration on national minorities adopted by the Republic of the Ukraine and Hungary, which set out rules and a mechanism for solving possible conflicts through the establishment of a joint commission.

41. His Government attached great importance to regional efforts to build up an effective protection system for national minorities. Hungary had been one of the initiators of the CSCE Copenhagen document, which it had tried to develop further at the expert meeting on European minorities held in July 1991 in Geneva.

42. The international exchange of information on national minorities and the monitoring of their situation must be promoted, and non-governmental organizations could play an important part in that respect. The international community should develop without delay methods and mechanisms involving independent experts. The report of the Geneva meeting and the Copenhagen commitments on national minorities, together with those contained in previous accords were practical guidelines for the Governments concerned.

43. His Government believed that universal human rights standards should be supplemented by instruments that appropriately reflected the rights of national minorities. His delegation therefore welcomed the work started by the Sub-Commission and was prepared to contribute to the elaboration of standards on the protection of minorities and on a suitable mechanism for implementation. Mr. Eide's excellent preliminary report (E/CN.4/Sub.2/1991/43) provided the Sub-Commission with the basis for such measures.

44. Mr. AKTAN (Observer for Turkey) said that most alleged violations of minority rights were in some way related to national, ethnic, religious or linguistic groups, which Mr. Eide in his report (E/CN.4/Sub.2/1991/43) had placed under the broad heading of minorities, consciously avoiding a strict definition.

45. On the understanding that the concept of minority should be that of specific instruments of international law, for instance the Treaty of Lausanne of 1923, he would make some general comments.

46. Problems stemming from the rapidly growing expectations of minorities were destabilizing many countries and threatening relations between States and regional stability in various parts of the world. To understand the question the causes should be examined. Throughout history, minorities had met with problems in practically every country. The effort to improve their lot might therefore seem to be a natural consequence of the sensitivity created by the overwhelming importance attached to human rights in the contemporary world. Moreover, it might seem that the extension of the process of democratization especially in the West, had brought the fate of minorities to the forefront.

47. However, those apparently plausible explanations did not stand up to an in-depth analysis. He believed that the increased concern about minorities had started with the advent of the European Community some 25 years before. European integration had created conditions of lasting peace and the removal of old fears and suspicions aroused by the political manipulation of minorities. That was especially true of the great continental Powers, which in conditions of security had given greater recognition to their minorities and treated them in a less discriminatory fashion. However, their record was still far from perfect: some of them did not even call their own groups minorities, and practically all had problems with respect to migrant workers. That situation however, did not hamper the efforts to promote minority rights in other countries in regions that did not enjoy the conditions of security that prevailed in Europe.

48. Rightly or wrongly, an impression had spread that the nation State in Europe had started to disintegrate while becoming part of a greater whole. In that process, minorities and regions were considered by some as the building blocks of European integration; but to others they represented a return to tribalism. Ultra right-wing parties had emerged to defend national unity against possible disintegration and purity against the alarmingly increasing number of aliens. The possibility of a return of pre-war fascism haunted the imagination.

49. At the same time, the global economic crisis had brought about the collapse of the post-war socio-economic model; the European democratic left either became liberal or assumed one of three new vocations - pacifism, ecology and human rights.

50. Human rights activists identified themselves for reasons not yet known mainly with minorities or extreme left-wing ideological groups in other countries, especially developing countries. Interestingly, most of them avoided identifying themselves with migrant workers who happen to be their

immediate neighbours. They identified the European ultra-right with countries thought to be persecuting their ethnic or ideological minorities. In that way, they tried with equal zeal to contain the growth of the former while fighting for the respect of minority rights in the latter. Of course, not all non-governmental organizations and individual human rights were motivated by the same mental mechanism. The younger generation in particular was unaffected by such motives unless they had inhereited them culturally.

51. Some conclusions could be drawn from that analysis. Firstly, the activities of human rights groups were focusing in an unbalanced manner on minority rights to the detriment of other rights in the Universal Declaration, including the promotion of democracy and democratic institutions. Secondly, their activities were indifferent to the territorial integrity of States, and to peace and stability in inter-State relations which were concerns that had nothing to do with the parameters within which the activists operated. Thirdly, countries accused of minority rights violations were considered a priori as basically evil, having been identified with the European ultra-right. Fourthly, since that concern for minority rights in other countries was not engendered by the real needs of the minorities in question, but was the outcome of a specific development of political forces in Europe, it was difficult to speak about a purely humanistic mission. Nevertheless, the expectations of minorities all over the world thus raised created ethnic strife and consequent suffering.

52. A movement had unwittingly been sparked off that might serve as an opportunity to establish democratic regimes based on respect for broad human rights and fundamental freedoms beyond minority rights. The essential precondition, however, was that the mechanism now operating must be dismantled, since extraneous motives, irrelevant projections and identifications and political manipulation further complicated an already very complex task.

53. He expressed deep appreciation of the responsible, sensible and equitable way in which Mr. Eide had prepared his report (E/CN.4/Sub.2/1991/43). He pointed out, however, that it was customary to give geographic names in the language of the country concerned. Constantinople, Tenedos and Imbros should therefore have been referred to as Istanbul, Bozcaada and Göksçeada in Mr. Eide's report.

54. Mr. BLACKWELL (Observer for the United States of America) said that in 1900, the world had anticipated continued progress towards a better future. Yet only 14 years later, a long-standing ethnic conflict in the Balkans had set off a chain of events which had drawn most of the world into a catastrophic war.

55. Now, less than a decade before the end of the twentieth century, ethnic rivalry in the Balkans again loomed large, and meanwhile there had been many other appalling instances of intolerance and bigotry. Those rivalries, grounded in the most fundamental forms of human identity, presented the most serious challenge to international security and stability, frequently proving more intractable than international wars, and often inviting violent and repressive measures by Governments. The question of minorities remained the riddle of the twentieth century.

56. The principle that all human beings were born free and equal in dignity and rights set forth in article 1 of the Universal Declaration of Human Rights should be implemented in a spirit of brotherhood, and the Sub-Commission should be in the forefront of efforts to develop mechanisms to resolve disputes and to protect persons belonging to minorities. The time had come for it to rededicate itself to its original goals: the prevention of discrimination and the protection of minorities.

57. The Sub-Commission could provide a valuable forum in which to consider the issues involved on a global scale. It should concentrate on preparing recommendations to the Commission on Human Rights on issues relating to minority conflicts, including recommendations on the use of mediation. In that respect it could do no less than the recent CSCE Meeting of Experts on National Minorities, where many valuable ideas had been put forward. Mr. Eide's preliminary report was a step in the right direction.

58. The growth of democracy and freedom held out the greatest promise for moderating national and ethnic minority disputes and for protecting persons belonging to minorities. It also helped to ensure that human beings could exercise the fundamental right to be part of a group of their own choosing. Democracy had blossomed in most of eastern Europe, Latin America and much of East Asia. Imperfections existed, even within the most democratic countries, but they should serve as a challenge to nations to improve upon their past. More and more States recognized that fundamental human rights were not retractable grants from the State but rather inalienable rights inherent in the human condition. Much, however, remained to be done. In a time of change, the world now had an opportunity to develop active solutions to age-old problems. New structures to resolve long-standing differences had to be established and a pattern of trust and cooperation had to be developed.

59. Mr. EIDE, Special Rapporteur, expressed his appreciation of the useful comments made by members, by non-governmental organizations, particularly the Minority Rights Group, and by observers for States, especially Hungary, Turkey and the United States of America.

60. He agreed with Mr. Khalifa that the report could become unmanageably broad in scope unless caution was exercised, but part of his task would be to separate out, for different treatment, issues which were different in nature. It was wrong to assume that all kinds of minorities had the same problems. Some groups did not have any problems at all because the Government concerned placed no obstacles in the way when they sought to preserve their identity. Religious groups often had very different problems from linguistic groups, which in turn might not have the same problems as ethnic minorities. He hoped, through his study, to demystify some of the minority issues, partly with the help of responses from Governments and NGOs.

61. He also shared Mr. Khalifa's concern regarding the potentially disintegrating effect that strong nationalist and minority assertions could have. He was, however, convinced that it was even worse to deny the existence of minority problems. Consequently, the best approach was to have a full discussion of ways in which such situations could be handled in a peaceful and

constructive way. Indeed, he was seeking out, through the questionnaire, the views of Governments and NGOs on how that could be done, since there was general agreement that the issue must be pursued.

62. He felt that the term "minority" would have to be defined at some stage but that it was still too early to do so. When a definition was finally achieved, it was his assumption that, since different kinds of minorities were involved, one single definition would not do justice to all situations. Even so, there was, for the moment a working definition, and the question was whether it was good enough.

63. Some members had considered it undesirable to include religious minorities, but others had been in favour of their inclusion. Provisionally, he intended to include them while recognizing that the problems of religious minorities and the measures called for to protect them might be quite different from those relating to national, ethnic or linguistic minorities. In some cases a group might simultaneously be a religious and an ethnic minority.

64. There had also been some disagreement as to whether indigenous peoples should be included. Personally, he considered that indigenous peoples formed a separate category and he would definitely not duplicate the work done by Mr. Martínez Cobo and the Working Group on Indigenous Populations. However, he welcomed the information provided by Governments on ways in which situations involving indigenous peoples had been handled, since it could shed light on mechanisms and approaches that might also be applicable to other minorities. No member had been opposed to the inclusion of migrant workers and other recent immigrants. The problem of finding peaceful and constructive ways of handling difficult situations also applied; the approach adopted would depend on how the material was assessed.

65. Almost everyone had been in agreement regarding guideline 1 on non-discrimination and full partipation, the emphasis being placed on participation, which might have formed the subject-matter of a separate guideline. Guideline 2 on the rights of minorities and the stability of States had also been generally endorsed. The right to self-determination was not controversial, only its scope. He had taken due note of the comments made by some members regarding the ambiguity of the wording used in paragraphs 41 and 42.

66. Every speaker had recognized the importance of guideline 3 on the dangers of ethnic conflict for security. The difficulty was how to tackle the problem. Due note had been taken of the concern expressed by several members regarding the ambiguous language used in certain paragraphs, especially paragraphs 46, 51 and 52. It was, however, generally agreed that priority should be given to the development of conflict prevention and solution mechanisms at the national and international levels which could lead to peaceful and constructive solutions. He agreed with the observer for the United States of America that many of the ideas that had come to the fore at the recent CSCE seminar would be useful.

67. In paragraph 47, concerning humanitarian law, what he had in mind was essentially humanitarian standards in times of internal violence,

disturbances, tensions and public emergency. He was not referring to the question of humanitarian intervention, which was fundamentally different. Together with Mr. van Boven, he was due to submit a working paper under agenda item 4 and would therefore not comment further on that aspect. He noted, however, that the Institution for Humanitarian Law had prepared a declaration on the rules of international humanitarian law governing the conduct of hostilities in non-international armed conflicts, which could be taken into account.

68. He agreed with Mrs. Ksentini that the word "negative" was not appropriate in guideline 4 on negative and positive measures. He wished to thank Mr. Treat for his observations concerning the scope and limits of affirmative action, an issue which would be given greater attention and in respect of which he would also draw on the experience of the Committee on the Elimination of Racial Discrimination in supervising the application of article 2 (2), of the International Convention on the Elimination of All Forms of Racial Discrimination.

69. He had been particularly interested by the comments made by Mrs. Ksentini on guideline 5 concerning the role of the development process. Those comments had been in part derived from Mrs. Ksentini's own work on human rights and the environment. Their concerns overlapped, and he would seek to exchange further views with her on that issue. As Mr. Alfonso Martínez had said, he might have generalized too much in the wording used in paragraph 63. He had an open mind on the subject and would draw his conclusions when the responses from Governments, specialized agencies and NGOs had been received. No major queries had been raised concerning guideline 6 on protecting also the rights of majorities.

70. With regard to the continuation of his work on the report, he expected to receive further responses from Governments and NGOs, which he hoped would include the views of the minorities themselves. He would certainly explore the very substantial material to be found in the reports submitted to the human rights treaty bodies and in the reports of the treaty bodies themselves. He intended to visit several countries. He had already had some very interesting discussions with the Government and minority groups in Hungary and had attended a seminar on minorities in the USSR held in Moscow. A forthcoming meeting of technical experts from certain States should help him with those aspects of the subject that were very technical.

71. It would not be wise to make the following year the deadline for completing the report. So far only the guidelines had been discussed, and members of the Sub-Commission, as well as government observers and non-governmental organizations, should be involved in discussing the conclusions. To that end, a more substantial report was required the following year before the report could be completed.

72. He thanked the members of the Sub-Commission for their information and encouragement and agreed with the observer for the United States and others on the importance of the question.

73. Mr. ILKAHANAF asked whether Mr. Eide meant to extend the scope of his study to Africa.

74. Mr. EIDE assured Mr. Ilkahanaf that Africa would be covered. He hoped to visit Nigeria, which was a very interesting country from the viewpoint of his study, but would also welcome other suggestions.

75. Mrs. WARZAZI said that as regards conflicts, the case of Liberia was much more illustrative than that of Nigeria. With regard to conflicts arising where a majority in one country was a minority in another, she also cited the cases of Rwanda and Burundi. It was not only Nigeria that illustrated the problem of ethnic conflicts in Africa.

76. Mr. SACHAR said that although India had regrettably not answered the questionnaire, Mr. Eide would find it useful to study the statutory provisions for the protection of minorities in the Indian Constitution and legislation.

77. Mr. EIDE thanked Mr. Sachar and Mrs. Warzazi for their interest. He would be very interested in investigating the cases mentioned by Mrs. Warzazi. It was important to get away from a Eurocentric understanding of the minority issue, since much of the debate had been focused on Eastern and Central Europe.

78. The CHAIRMAN said that the Sub-Commission had concluded its discussion of agenda item 18.

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS (agenda item 17) (E/CN.4/Sub.2/1991/NGO/1):

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH (E/CN.4/Sub.2/1991/42; E/CN.4/Sub.2/1991/NGO/5; E/CN.4/Sub.2/1990/45 and Corr.1);

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN (E/CN.4/Sub.2/1991/NGO/23; A/46/38 and E/1991/28)

79. Mr. KEILAU (Centre for Human Rights), introducing the agenda item, said that sub-item (a) had been on the agenda of the Sub-Commission since its thirty-seventh session. In 1985 the Sub-Commission had requested Mr. Mazilu to prepare a report on human rights and youth, analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work. At its forty-second session, the Sub-Commission had considered the updated report of the Special Rapporteur, and in its resolution 1990/32 had requested Mr. Mazilu to update and complete his report and to present it to the forty-third session of the Sub-Commission. In considering the sub-item, the Sub-Commission might wish to take account of Commission resolution 1991/64 reaffirming the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all, and Commission resolution 1991/65 on conscientious objection to military service.

80. Sub-item (b) had been included in the agenda of the Sub-Commission at its thirty-seventh session. In resolution 1987/26 the Sub-Commission had requested the Secretary-General to make available to it, at each of its future

sessions, the reports of the Committee on the Elimination of Discrimination against Women (A/46/38) and of the Commission on the Status of Women (E/1991/28), which were now before the Sub-Commission.

81. Mr. MAZILU, Special Rapporteur, said that during the previous year, when, for the first time, he had worked in freedom on the topic of human rights and youth, he had concluded that it was one of the most complex subjects before the Sub-Commission. Many organizations, in particular non-governmental ones, were studying the problems of youth, but had no comprehensive view of its rights and freedoms. Youth formed a large and in many respects the most dynamic proportion of society, as recent events in Eastern European countries had confirmed. At the same time young people had had to pay in blood in some countries for revolutionary, necessary change.

82. Recently, young people had also been shown to be the most vulnerable to unemployment or underemployment. According to general estimates at least 80 per cent of the unemployed were young people, bringing about a real confrontation between generations.

83. His progress report on human rights and youth (E/CN.4/Sub.2/1991/42) including all aspects of the right to life, education and work, had taken account of the suggestions made by members of the Sub-Commission regarding his updated report to the forty-second session, as well as consultations with the staff of the Centre for Human Rights. He had also received useful information from UNESCO, ILO, and many Governments and non-governmental organizations.

84. Drawing the Sub-Commission's attention to the conclusions of his previous study, he observed that millions of young people continued to be deprived of the right to the enjoyment of their youth. Chronic unemployment had swelled the ranks of the disoriented in various countries. Dissolute pastimes and the haphazard structuring and content of leisure activities had increased vice and immorality among the young, who frequently sought refuge in narcotics. Many young people had gradually become indifferent and listless, feeling manipulated towards ends that did not reflect their aspirations. They felt that what they were being told to do was not useful in the present nor as preparation for the future. The cruellest blow to them was that they were being robbed of a bright future by economic structures that impeded progress, institutional systems that spawned poverty and discouraged efforts to improve their lot, savage and irrational exploitation of natural resources and severe environmental pollution. In addition there had been bloody repression of political activity by young people. His previous report had called attention to some important developments in that field in different countries, including his own.

85. The great majority of young people considered the United Nations the body best suited to bring their problems to the attention of their Governments and to public opinion. Many youth organizations understood that the United Nations could not do much to improve the economic status of young people, but they considered that it could and must do much more in the political and legal sphere. There was a strong view that the United Nations was the most appropriate body to elaborate and promote rules and regulations for the protection of youth.

86. In the light of those conclusions, he recommended that the Sub-Commission should: request the Secretary-General to send an appropriate communication to all Governments asking for their opinion on the protection and development of youth; organize consultations with major youth organizations, through the Centre for Human Rights, in order to obtain their views on the protection and development of youth; send the draft charter on the rights and freedoms of youth to various national youth organizations for their comments; include in the report all the problems related to the rights and freedoms of youth in order to have a comprehensive view of the matter; authorize the Special Rapporteur to verify information received concerning gross violations of the rights and freedoms of youth, to enable him to submit to the Sub-Commission accurate and precise conclusions and recommendations.

87. He hoped that many more Governments and non-governmental organizations would transmit their views for the final version of his report and thanked all those who had enabled him to carry out his duties during the previous year. Pointing out that since the previous August 9.7 million young people had died of hunger or in armed conflicts and that over 3,000 were victims of enforced or involuntary disappearances, he appealed to the Sub-Commission to devote more time to the improvement of the status of young people everywhere in the world.

88. Mrs. DAES, thanking Mr. Mazilu for his progress report (E/CN.4/Sub.2/1991/42), observed that the report had been prepared in unusual circumstances. Although it contained many useful ideas, she had reservations on some of its sections. She was particularly concerned that there was not sufficient time to examine all the provisions of the draft charter of the rights and freedoms of youth, and therefore suggested that the Sub-Commission should accept the recommendations made by the Special Rapporteur in paragraph 169 of his report and give him more time to present a better analysis and to reconsider the draft charter. She proposed that the Sub-Commission should adopt a draft resolution for submission to the Commission on Human Rights, to authorize the Special Rapporteur to prepare his final report for consideration by the Sub-Commission in 1992.

The meeting rose at 1 p.m.